



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 13.7

Subject: Major Violations: Delinquent Youth On Probation Or Aftercare

Supersedes: DCS 13.7, 05/15/97

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

Effective date: 05/15/97

Revision date: 03/01/05

Application

To All Department of Children's Services Employees with Probation and Aftercare Responsibilities

Authority: TCA 37-1-119, 37-1-122, 37-1-137 (d), 37-1-139 (b, c, d), 37-1-159

Policy

All major violations/offenses committed by delinquent youth on probation or aftercare shall be documented in a written report and the case manager shall be prepared to recommend treatment alternatives to the court.

Procedures

A. Investigation of major violations

1. The case manager must verify major violations, prepare violation reports, participate in revocation hearings, and make treatment recommendations for delinquent youth on probation or aftercare.
2. All alleged major violations are based upon written rules and conditions of supervision. The case manager will promptly investigate the facts and circumstances surrounding each alleged violation by interviewing pertinent witnesses such as police officers and victims, when possible, for the purpose of preparing a violation report.

B. Criteria for consideration of major violations

Major violations may include, but are not limited to, the following:

1. Crimes against person;
2. Crimes against property with a value of \$500 or more;
3. Arson;
4. Carrying a dangerous weapon;
5. Substance abuse;
6. Absconding for more than 72 hours;
7. Absconding from a secure facility
8. Repetitive minor violations; and
9. School expulsion.

C. Preparation of the violation report

1. After investigating the alleged major violation, the case manager will prepare a *Violation Report (form CS-0156)* that will be reviewed and approved by his/her team leader and a copy placed in the youth's master case file.
2. If the case manager is requesting a violation petition, a copy of the violation report must be submitted to the Court. All requested petitions must be reviewed with the legal division prior to the filing of the petition with the Juvenile Court.

D. Revocation Process

1. The case manager must follow the Court's established procedures regarding petitions. Regional legal staff will be notified of pending hearings so that they may attend.
2. If a petition for violation of probation/aftercare has been filed, the case manager must make available to the court liaison all necessary and related materials for the revocation hearing and be prepared to support the allegations in the petition.
3. When the Court has substantiated an alleged violation, every consideration shall be given to a course of action that allows the youth to remain in his/her home. If remaining in the home compromises community safety and every effort to maintain the youth in the family has been exhausted, the case manager may make a recommendation for termination

of the youth's home placement.

4. When the removal of the youth from the home is considered, every effort will be made to involve the youth and parent/guardian in the deliberations relevant to the decision.
5. The case manager will be prepared to recommend treatment alternatives to the Court. Recommendations will focus on the individual treatment needs for the youth.

Forms

CS-0156 Violation Report

Collateral Documents

None

Standards

DCS Practice Model Standard – 8-300

Glossary

<i>Term</i>	<i>Definition</i>
<i>Aftercare:</i>	The period of supervision of a delinquent youth beginning at release from the custody of the Department of Children's Services and continuing until the youth is removed from legal supervision.
<i>Minor Violations:</i>	When a youth commits minor violations against the rules of probation or aftercare; Minor violations may include, but are not limited to: curfew violations, truancy, failure to follow school rules, failure to report as directed by the case manager, absconding from supervision for less than 72 hours, failure to notify the case manager and/or gain approval before changing residence, minor traffic violations, school suspension and failure to comply with special conditions.
<i>Major Violations:</i>	When a youth commits major violations against the rules of

probation or aftercare; Major violations may include, but are not limited to: crimes against person or persons; crimes against property with a value of \$500 or more; arson; carrying a dangerous weapon; substance abuse; absconding for more than 72 hours; absconding from a DCS facility, foster home/contract facility; repetitive minor violations and school expulsion.

Probation:

A trial period during which a juvenile offender is released from a DCS facility and referred for probation/aftercare supervision where an Individual Program Plan (IPP) is developed to document the needs or areas of concern regarding an individual youth on probation, aftercare or Interstate Compact on Juveniles (ICJ) supervision.